

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1690 – HB 2177

March 4, 2014

SUMMARY OF ORIGINAL BILL: Adds new language to the definition of “serious bodily injury,” stating that for purposes of aggravated child abuse, aggravated child neglect or aggravated child endangerment, “serious bodily injury” to a child shall be defined as set out in Tennessee Code Annotated § 39-15-402(d).

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (013413): Redefines “serious bodily injury” for purposes of criminal statutes to include a broken bone of a child 12 years old or younger.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – \$17,100/Incarceration*

Assumptions for the bill as amended:

- Under the current definition of “serious bodily injury”, a broken bone of a child eight years old or younger is per se serious bodily injury. The proposed legislation would broaden this to children 12 years old or younger.
- The broader definition will impact two offenses most significantly—aggravated assault and vehicular assault. There are approximately 757 cases of child abuse involving physical abuse in Tennessee each year (<http://tncac.org/child-abuse-information/statistics/>) and the number one cause of death to children ages 5-14 is injuries from motor vehicles (http://www.etch.com/about_us/community_outreach/injury_prevention.aspx).
- Aggravated assault is a Class C felony if committed intentionally or knowingly and a Class D felony if committed recklessly.
- It is assumed that the proposed legislation will result in one Class C felony admission every 10 years for aggravated assault and one Class D felony admission every 10 years for reckless aggravated assault.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.

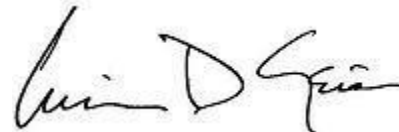
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- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2014 is \$66.29.
- The average time served for a Class C felony is 2.98 years.
- A recidivism discount of 48.29 percent applies, but due to the low number of admissions added by this legislation, the recidivism discount does not impact the incarceration cost for the proposed legislation.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every ten years serving 2.98 years (1,088.45 days) for a total of \$7,215.34 $[(\$66.29 \times 1,088.45 \text{ days}) / 10]$.
- The average time served for a Class D felony is 2.06 years.
- A recidivism discount of 48.29 percent applies, but due to the low number of admissions added by this legislation, the recidivism discount does not impact the incarceration cost for the proposed legislation.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every ten years serving 2.06 years (752.42 days) for a total of \$4,987.79 $[(\$66.29 \times 752.42 \text{ days}) / 10]$.
- It is assumed that the proposed legislation will result in one additional admission for vehicle assault, a Class D felony, every 10 years.
- The average time served for a Class D felony is 2.06 years.
- A recidivism discount of 48.29 percent applies, but due to the low number of admissions added by this legislation, the recidivism discount does not impact the incarceration cost for the proposed legislation.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every ten years serving 2.06 years (752.42 days) for a total of \$4,987.79 $[(\$66.29 \times 752.42 \text{ days}) / 10]$.
- The total increase in state expenditures is \$17,100.92 $(\$7,125.34 + \$4,987.79 + \$4,987.79)$.
- The proposed legislation only creates three new felony cases every 10 years. It is assumed that the courts, district attorneys, and public defenders can accommodate the impact to their caseloads within their existing resources.

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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